

Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing PCB: Transportation & Highway
 2 Safety Subcommittee

3 Representative Raburn offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 1014-1122 and insert:

7 Section 19. Subsections (2) through (4) of section
 8 339.175, Florida Statutes, are amended to read:

9 339.175 Metropolitan planning organization.—

10 (2) DESIGNATION.—

11 (a)1. An M.P.O. shall be designated for each urbanized
 12 area of the state; however, this does not require that an
 13 individual M.P.O. be designated for each such area. The M.P.O.
 14 ~~Such~~ designation shall be accomplished by agreement between the
 15 Governor and units of general-purpose local government that
 16 together represent ~~representing~~ at least 75 percent of the
 17 population, including the largest incorporated municipality,
 18 based on population, ~~of the urbanized area; however, the unit of~~
 19 ~~general-purpose local government that represents the central~~
 20 ~~city or cities within the M.P.O. jurisdiction,~~ as named ~~defined~~

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21 by the United States Bureau of the Census, ~~must be a party to~~
22 ~~such agreement.~~

23 2. To the extent possible, only one M.P.O. shall be
24 designated for each urbanized area or group of contiguous
25 urbanized areas. More than one M.P.O. may be designated within
26 an existing urbanized area only if the Governor and the existing
27 M.P.O. determine that the size and complexity of the existing
28 urbanized area makes the designation of more than one M.P.O. for
29 the area appropriate.

30 (b) Each M.P.O. designated in a manner prescribed by Title
31 23 of the United States Code shall be created and operated under
32 the provisions of this section pursuant to an interlocal
33 agreement entered into pursuant to s. 163.01. The signatories to
34 the interlocal agreement shall be the department and the
35 governmental entities designated by the Governor for membership
36 on the M.P.O. Each M.P.O. shall be considered separate from the
37 state or the governing body of a local government that is
38 represented on the governing board of the M.P.O. or that is a
39 signatory to the interlocal agreement creating the M.P.O. and
40 shall have such powers and privileges that are provided under s.
41 163.01. If there is a conflict between this section and s.
42 163.01, this section prevails.

43 (c) The jurisdictional boundaries of an M.P.O. shall be
44 determined by agreement between the Governor and the applicable
45 M.P.O. The boundaries must include at least the metropolitan
46 planning area, which is the existing urbanized area and the
47 contiguous area expected to become urbanized within a 20-year
48 forecast period, and may encompass the entire metropolitan

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49 statistical area or the consolidated metropolitan statistical
50 area.

51 (d) In the case of an urbanized area designated as a
52 nonattainment area for ozone or carbon monoxide under the Clean
53 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
54 metropolitan planning area in existence as of the date of
55 enactment of this paragraph shall be retained, except that the
56 boundaries may be adjusted by agreement of the Governor and
57 affected metropolitan planning organizations in the manner
58 described in this section. If more than one M.P.O. has authority
59 within a metropolitan area or an area that is designated as a
60 nonattainment area, each M.P.O. shall consult with other
61 M.P.O.'s designated for such area and with the state in the
62 coordination of plans and programs required by this section.

63 (e) The governing body of the M.P.O. shall designate, at a
64 minimum, a chair, vice chair, and agency clerk. The chair and
65 vice chair shall be selected from among the member delegates
66 comprising the governing board. The agency clerk shall be
67 charged with the responsibility of preparing meeting minutes and
68 maintaining agency records. The clerk shall be a member of the
69 M.P.O. governing board, an employee of the M.P.O., or other
70 natural person.

71 (f) Notwithstanding any other provision of this section,
72 any county operating under a home rule charter adopted pursuant
73 to s. 11, Art. VIII of the Constitution of 1885, as preserved by
74 s. 6(e), Art. VIII of the Constitution of 1968, shall be
75 designated a separate M.P.O. coterminous with the boundaries of
76 such county.

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78 Each M.P.O. required under this section must be fully operative
79 no later than 6 months following its designation.

80 (3) VOTING MEMBERSHIP.—

81 (a) The voting membership of an M.P.O. shall consist of
82 not fewer than 5 or more than 19 apportioned members, the exact
83 number to be determined on an equitable geographic-population
84 ratio ~~basis by the Governor~~, based on an agreement among the
85 affected units of general-purpose local government and the
86 Governor as required by federal ~~rules and~~ regulations. The
87 limitation of the maximum number of voting members shall not
88 apply to an M.P.O. redesignated after the effective date of this
89 act as a result of the expansion of an M.P.O. to include a new
90 urbanized area or the consolidation of two or more M.P.O.s. The
91 Governor, in accordance with 23 U.S.C. s. 134, may also provide
92 for M.P.O. members who represent municipalities to alternate
93 with representatives from other municipalities within the
94 metropolitan planning area that do not have members on the
95 M.P.O. County commission members shall compose not less than
96 one-third of the M.P.O. membership, except for an M.P.O. with
97 more than 15 members located in a county with a 5-member county
98 commission or an M.P.O. with 19 members located in a county with
99 no more than 6 county commissioners, in which case county
100 commission members may compose less than one-third percent of
101 the M.P.O. membership, but all county commissioners must be
102 members. All voting members shall be elected officials of
103 general-purpose local governments, except that an M.P.O. may
104 include, as part of its apportioned voting members, a member of

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105 a statutorily authorized planning board, an official of an
106 agency that operates or administers a major mode of
107 transportation, or an official of Space Florida. As used in this
108 section, the term "elected officials of a general-purpose local
109 government" excludes ~~shall exclude~~ constitutional officers,
110 including sheriffs, tax collectors, supervisors of elections,
111 property appraisers, clerks of the court, and similar types of
112 officials. County commissioners shall compose not less than 20
113 percent of the M.P.O. membership if an official of an agency
114 that operates or administers a major mode of transportation has
115 been appointed to an M.P.O.

116 (b) In metropolitan areas in which authorities or other
117 agencies have been or may be created by law to perform
118 transportation functions and are performing transportation
119 functions that are not under the jurisdiction of a general-
120 purpose local government represented on the M.P.O., they may
121 ~~shall~~ be provided voting membership on the M.P.O. In all other
122 M.P.O.'s where transportation authorities or agencies are to be
123 represented by elected officials from general-purpose local
124 governments, the M.P.O. shall establish a process by which the
125 collective interests of such authorities or other agencies are
126 expressed and conveyed.

127 (c) Any other provision of this section to the contrary
128 notwithstanding, a chartered county with a population of more
129 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
130 membership of an M.P.O. whose jurisdiction is wholly within the
131 county. The charter county may exercise the provisions of this
132 paragraph if:

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133 1. The M.P.O. approves the reapportionment plan by a
134 three-fourths vote of its membership;

135 2. The M.P.O. and the charter county determine that the
136 reapportionment plan is needed to fulfill specific goals and
137 policies applicable to that metropolitan planning area; and

138 3. The charter county determines the reapportionment plan
139 otherwise complies with all federal requirements pertaining to
140 M.P.O. membership.

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142 A ~~Any~~ charter county that elects to exercise the provisions of
143 this paragraph shall notify the Governor in writing.

144 (d) Any other provision of this section to the contrary
145 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
146 of the State Constitution may elect to have its county
147 commission serve as the M.P.O., if the M.P.O. jurisdiction is
148 wholly contained within the county. A ~~Any~~ charter county that
149 elects to exercise the provisions of this paragraph shall so
150 notify the Governor in writing. Upon receipt of the ~~such~~
151 notification, the Governor must designate the county commission
152 as the M.P.O. The Governor must appoint four additional voting
153 members to the M.P.O., one of whom must be an elected official
154 representing a municipality within the county, one of whom must
155 be an expressway authority member, one of whom must be a person
156 who does not hold elected public office and who resides in the
157 unincorporated portion of the county, and one of whom must be a
158 school board member.

159 (4) APPORTIONMENT.—

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160 (a) Each M.P.O. in the state shall review the composition
161 of its membership in conjunction with the decennial census, as
162 prepared by the United States Department of Commerce, Bureau of
163 the Census, and, with the agreement of the affected units of
164 general-purpose local government and the Governor, reapportion
165 the membership as necessary to comply with subsection (3) The
166 ~~Governor shall, with the agreement of the affected units of~~
167 ~~general-purpose local government as required by federal rules~~
168 ~~and regulations, apportion the membership on the applicable~~
169 ~~M.P.O. among the various governmental entities within the area.~~

170 (b) At the request of a majority of the affected units of
171 general-purpose local government comprising an M.P.O., the
172 Governor and a majority of units of general-purpose local
173 government serving on an M.P.O. shall cooperatively agree upon
174 and prescribe who may serve as an alternate member and a method
175 for appointing alternate members who may vote at any M.P.O.
176 meeting that an alternate member attends in place of a regular
177 member. The method must ~~shall~~ be set forth as a part of the
178 interlocal agreement describing the M.P.O.'s membership or in
179 the M.P.O.'s operating procedures and bylaws. The governmental
180 entity so designated shall appoint the appropriate number of
181 members to the M.P.O. from eligible officials. Representatives
182 of the department shall serve as nonvoting advisers to the
183 M.P.O. governing board. Additional nonvoting advisers may be
184 appointed by the M.P.O. as deemed necessary; however, to the
185 maximum extent feasible, each M.P.O. shall seek to appoint
186 nonvoting representatives of various multimodal forms of
187 transportation not otherwise represented by voting members of

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188 the M.P.O. An M.P.O. shall appoint nonvoting advisers
189 representing major military installations located within the
190 jurisdictional boundaries of the M.P.O. upon the request of the
191 aforesaid major military installations and subject to the
192 agreement of the M.P.O. All nonvoting advisers may attend and
193 participate fully in governing board meetings but may not vote
194 or be members of the governing board. ~~The Governor shall review~~
195 ~~the composition of the M.P.O. membership in conjunction with the~~
196 ~~decennial census as prepared by the United States Department of~~
197 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
198 ~~to comply with subsection (3).~~

199 (c) ~~(b)~~ Except for members who represent municipalities on
200 the basis of alternating with representatives from other
201 municipalities that do not have members on the M.P.O. as
202 provided in paragraph (3) (a), the members of an M.P.O. shall
203 serve 4-year terms. Members who represent municipalities on the
204 basis of alternating with representatives from other
205 municipalities that do not have members on the M.P.O. as
206 provided in paragraph (3) (a) may serve terms of up to 4 years as
207 further provided in the interlocal agreement described in
208 paragraph (2) (b). The membership of a member who is a public
209 official automatically terminates upon the member's leaving his
210 or her elective or appointive office for any reason, or may be
211 terminated by a majority vote of the total membership of the
212 entity's governing board represented by the member. A vacancy
213 shall be filled by the original appointing entity. A member may
214 be reappointed for one or more additional 4-year terms.

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215 (d)~~(e)~~ If a governmental entity fails to fill an assigned
216 appointment to an M.P.O. within 60 days after notification by
217 the Governor of its duty to appoint, that appointment must ~~shall~~
218 be made by the Governor from the eligible representatives of
219 that governmental entity.

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T I T L E A M E N D M E N T

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Remove lines 119-122 and insert:

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to issue bonds or notes; amending s. 339.175, F.S.;

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revising the criteria that qualify a local government

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for participation in a metropolitan planning

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organization; providing certain counties shall be

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designated separate metropolitan planning

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organizations; revising the criteria to determine

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voting membership of a metropolitan planning

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organization; providing that each metropolitan

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planning organization shall review its membership and

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reapportion it as necessary; providing criteria;

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removing the requirement that the Governor review and

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apportion the voting membership among the various

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governmental entities within the metropolitan planning

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area; repealing ss. 339.401-339.421, F.S.,